

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 4, 2017

Mr. Darwin L. Fish
43345 Via Sabino
Temecula, California 92592

Re: **Warning Notice**
Amateur License KJ6JMJ
EB-FIELDNER-17-00023297

Dear Mr. Fish:

The Commission has received a complaint that you have been operating outside of your station class. In particular, according to the complaint, you have been operating on frequency 3.815 MHz. The complainant has contacted the Commission and asked us to remind you that your continued operation outside the scope of your station class constitutes a violation of our rules. According to the Commission's ULS database, you currently hold a Technician Class license. Technician Class licensees are not authorized to operate on frequency 3.815 MHz.

Operation of radio transmitting equipment outside of authorized frequencies is a violation of Section 301 of the Communications Act of 1934, as amended,¹ and may subject the responsible parties to substantial monetary forfeitures,² *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.³ Because unlicensed operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

UNAUTHORIZED OPERATION OF THIS RADIO STATION MUST CEASE IMMEDIATELY.

You have ten (10) days from the date of receipt of this warning to respond to this office. The response must contain a statement of the specific action(s) taken to come into compliance with the Commission's rules and should include a time line for completion of pending corrective action(s). **You are directed to support your response with a signed and dated affidavit or declaration under penalty of perjury, verifying the truth and accuracy of the information submitted in your response.** Your response should be sent to the following address: 1270 Fairfield Road, Gettysburg, Pennsylvania 17325 and reference the listed case number.

¹ 47 U.S.C. § 301.

² Fines normally range from \$7,500 to \$10,000.

³ See §§ 401, 501, 503, 510.

In an inquiry of this type we are required to notify you that under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), the Commission's staff will use all relevant information before it, including information you disclose in your reply, to determine what, if any, enforcement action is warranted in this matter.

Sincerely,

Laura L. Smith, Esq.
Special Counsel
Spectrum Enforcement Division
Enforcement Bureau